



Appeal Decision

Site visit made on 3 April 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2024

Appeal Ref: APP/V1260/D/24/3337757

Shak Shak, 4a Burton Road, Poole, BH13 6DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Lee against the decision of BCP Council.
 - The application Ref. APP/23/01209/F dated 20 October 2023, was refused by notice dated 20 December 2023.
 - The development proposed is erect a detached car port.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A previous proposal to erect a car port, with new sliding gates, was dismissed on appeal on 27 July 2023 (ref. APP/V1260/D/23/3319328) (2023 Appeal). I have had regard to that decision in determining this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the sites location within the Branksome Park Conservation Area.

Reasons

4. The appeal site lies within the Branksome Park Conservation Area (BPCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (December 2023) (Framework) and in policies PP27 and PP30 of the Poole Local Plan (November 2018) (PLP).
5. The Branksome Park Conservation Area Character Appraisal & Management Plan was adopted as Supplementary Planning Guidance in December 2006 (SPG). Part 1.2 states that the special interest of the area derives from its division into large buildings plots in the 19th Century by the Bury family and that the areas road layout, dense evergreen hedges and generous wooded plots all date from this original plan. It also states that the predominance of woodland contributes to the dynamic sylvan quality of the area, with one and two storey detached houses nestled within woodland clearings, with often only glimpsed views from the road.

6. The SPG continues by stating that trees and vegetation dominate the streetscene and views along many of the roads within the BPCA. As such, part 3, which includes various 'Codes' as 'Guidelines for Development', states that the dominance of trees and vegetation should be respected and maintained where new development is proposed, and that new development should not become the dominant element within the site or its surroundings ('Code 1'). Where new additions or alterations are proposed, these should not extend closer to the boundary than existing building(s) as closer proximity impacts on the gaps between buildings and on the openness of the site and surroundings ('Code 9'). Also, where freestanding structures are proposed that these may be subject to special sitting requirements for the same reasons.
7. Part 4 of the SPG contains the detailed 'character area' descriptions. Part 4.5 (not 5.5) deals with Western Road (upper) and Burton Road, which includes the appeal site. It states that its character is predominantly formed from large plots and abundant landscaping, with a number of key buildings contributing to the character and appearance of the BPCA. These 'Key Buildings' are listed in Table 1 of Appendix 3 and include No's 2 and 8 Burton Road. Appendix 1 and Map 9 of the SPG also highlight areas that are subject to an Article 4 Direction limiting highway boundary alterations, which would otherwise be permitted development. The purpose of the Direction is to protect boundary vegetation, the loss of which to new development can damage the sylvan character of the area. The Direction covers 2 – 16 (even) Burton Road, which includes the appeal site.
8. All of the above factors contribute, in my judgement, to the significance of the BPCA as a whole.
9. The appeal proposal involves the construction of an open sided flat roofed car port, siting on four timber posts. A green roof is proposed, the details of which the Appellant states could be controlled by condition. The car port would be located behind the existing high boundary hedge on the frontage to the appeal site with Burton Road and on an area of gravel that is enclosed on three sides by a close boarded fence and used for parking.
10. In dismissing the 2023 Appeal the Inspector found that the proximity of the proposed car port to the front boundary would run against the grain of the general pattern of development. Despite the presence of cars, the Inspector stated that it would be a permanent structure that would always be viewed in the context of the front of the host property and BPCA. It would be visible and its presence alongside the host property would further reduce the quality of the street scene's open feel.
11. The current appeal proposal would be located in the same position as that in the 2023 Appeal and whilst there are no agreed measurements, I understand it would be some 0.7 metres lower in height and constructed from wood with a green roof, whereas the dismissed design included an aluminium fascia and columns. Even so, the proposed changes are modest and do not, in my view, address the findings of the 2023 Appeal Inspector, findings that I fully concur with. The siting and scale of the proposed car port would still have a material impact on the general pattern of development in this part of Burton Road and the BPCA.
12. Although it would be a lightweight structure, the appeal proposal would also extend built development closer to the boundary than the existing host

property impacting on the gap between the host and No. 4 Burton Road, to its south. It would also impact on the openness of the frontage to the appeal site and its surroundings. Whilst I accept that the existing high boundary hedging would provide some screening, it would not fully mitigate for the harm that would arise. The proposed car port would remain visible, specifically through the existing large opening formed by the metal gates that provide access to the appeal site from Burton Road.

13. The Appellant has referred to examples of car ports approved by the Council in Canford Cliffs Road, Withington Road and Western Avenue. None of these examples are on Burton Road or within the same 'Character Area' that the appeal site forms part of. I also note that the Western Avenue case related to a much larger plot where the car port was sited in a secluded area of the site. Even so, I have not been provided with the full planning background to these examples and it is not possible for me to reach any firm findings as to whether they are in any way relevant or comparable to the appeal proposal. In view of the above and bearing in mind that each application must be considered on its individual merits, none of these examples affect my findings on this issue.
14. For the reasons set out above, I find that the appeal proposal would result in harm to the character and appearance of the BPCA and as such it would not preserve or enhance the character or appearance of the BPCA. As is required by the Framework considerable importance and weight must be attached to the harm to this heritage asset. The appeal proposal would, in my view, lead to less than substantial harm to the significance of the heritage asset, which must be weighed against the public benefits of the development.
15. The Appellant contends that the proposed green roof would secure public benefits in that it would contribute to the natural features of the area and to biodiversity. However, these are, in my view, standard development control requirements that most new development should secure. As I have also found above, the design of the proposal does not mitigate for the harm that it would cause to the heritage asset. As to the potential for a local business to be employed in constructing the proposal, that benefit would be short term and could only, in my view, be accorded limited weight. It would not, therefore, outweigh the harm I have identified to the significance of the heritage asset.
16. Based on all the above factors and my observations on site, neither of the alleged benefits nor any other public benefits, delivering either economic or social or environmental objectives, would be sufficient to outweigh the harm I have identified to the significance of the heritage asset. Accordingly, I find that the appeal proposal would be contrary to policies PP27 and PP30 of the PLP and paragraphs 195, 203, 205-206 and 208 of the Framework.

Conclusion

17. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR